

CONSTANTINE A. DESPOTAKIS, ESQ. (CD 4944)
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Tel.: (914) 323-7000
Attorneys for Defendant, Bank of America, N.A.

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
PL SHIPPING & LOGISTICS LTD.

Plaintiff,

07 CV 2818 (SHS)

STIPULATION OF DISMISSAL
OF PLAINTIFF'S COMPLAINT,
ALL CROSSCLAIMS
AND ALL COUNTERCLAIMS

-against-

H.J.M. INTERNATIONAL INC. and BANK OF
AMERICA and AFFORDABLE LUXURY
RYAN KENNY and RYAN GLOVER and
RONALD PLATOVSKY and ABN AMRO
BANK,

Defendants.
-----X

WHEREAS, Plaintiff commenced the within action seeking recovery in respect of certain commercial documentary collection and transport documents and for certain goods sold and delivered, and other related relief all as set forth in detail in its initial complaint and subsequent amended complaints as filed with the Court, and

WHEREAS, the respective parties hereto have asserted various defenses and claims each as against the other, and all as filed with the Court in their respective pleadings, and

WHEREAS, Defendant Bank of America, N.A. has heretofore filed with the Court its motion for summary judgment to (i) dismiss the Plaintiff's complaint, and (ii) dismiss the crossclaims asserted against it by Defendant H.J.M. International, Inc.; and all together with further related relief, and which motion is presently pending before the Court, and

WHEREAS, Plaintiff PL Shipping & Logistics, Ltd. has not served Defendants ABN Amro Bank, Ryan Glover and Ronald Platovsky, and does not intend to do so; and that furthermore Defendant Affordable Luxury Ryan Kenny is in default; so that the undersigned represent the sole parties in this action by reason of the foregoing and no other party has an interest in this Stipulation, now therefore

IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff PL Shipping & Logistics, Ltd., Defendant, Bank of America, N.A. (sued herein under its common trade name of "Bank of America") and Defendant H.J.M. International, Inc., each acting by its duly authorized undersigned attorneys, that (1) Plaintiff's complaint is dismissed with prejudice in its entirety as against Defendant, Bank of America, N.A. (sued herein under its common trade name of "Bank of America") and Defendant H.J.M. International, Inc., (2) all claims, crossclaims and counterclaims as may have been asserted in this action by the respective parties hereto are likewise dismissed with prejudice, and (3) the summary judgment motion^[20] heretofore filed by Defendant, Bank of America, N.A. and presently pending before the Court is rendered moot and is withdrawn in light of the foregoing and Defendant H.J.M. International, Inc. likewise withdraws its opposition to said motion, and (4) the foregoing dismissals shall all be without costs or other liabilities on the part of any party hereto as against the other, and

IT IS FURTHER STIPULATED AND AGREED that (1) this Stipulation may be executed by the facsimile signature of each party hereto, and which signature shall be considered an original and fully binding upon each party for all purposes and may be so filed with the Court,

and (2) this Stipulation may be executed in separate counterpart copies, all of which taken together shall be deemed to constitute one document for filing with the Court.

Dated: White Plains, New York
September 28, 2007

<p>By: <u>Eugene J. McDonald, Esq.</u> Eugene J. McDonald, Esq. (EJMcD0882) Attorney for Plaintiff PL Shipping & Logistics Ltd. 170 Broad Street Matawan, NJ 07747 Tel. (732) 583-8485</p>	<p>By: <u>Constantine A. Despotakis, Esq. (CD4944)</u> WILSON, ELSE, MOSKOWITZ EDELMAN & DICKER, LLP Attorneys for Defendant Bank of America, N.A. 3 Gannett Drive White Plains, New York 10604 Tel. (914) 323-7000</p>
<p>By: <u>Patrick Michael DeCharles II, Esq. (PMD 9984)</u> CICHANOWICZ, CALLAN, KEANE, VENGROW & TEXTOR Attorneys for Defendant H.J.M. International Inc. 61 Broadway, Room 3000 New York, NY 10006-2802 Tel. (212) 344-7042</p>	

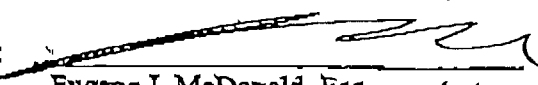
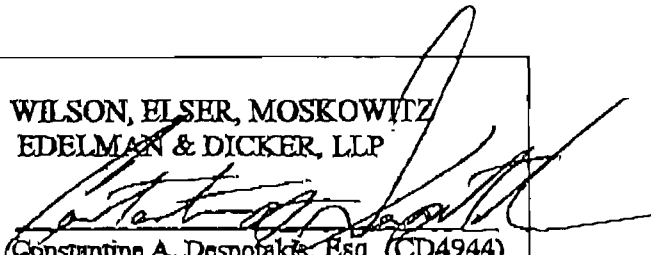
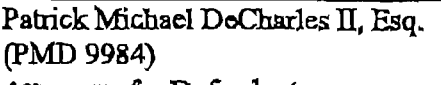
SO ORDERED:

Hon. Sidney H. Stein
USDJ
Dated: _____

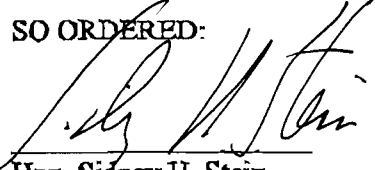
07CV2818

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Dated: White Plains, New York
September 28, 2007

<p>EUGENE J. MCDONALD, ESQ.</p> <p>By: </p> <p>Eugene J. McDonald, Esq. 10/1/07 (EJMcD0882) Attorney for Plaintiff PL Shipping & Logistics Ltd. 170 Broad Street Matawan, NJ 07747 Tel (732) 583-8485</p>	<p>WILSON, ELSE, MOSKOWITZ EDELMAN & DICKER, LLP</p> <p>By: </p> <p>Constantine A. Despotakis, Esq. (CD4944) Attorneys for Defendant Bank of America, N.A. 3 Gannett Drive White Plains, New York 10604 Tel (914) 323-7000</p>
<p>CICHANOWICZ, CALLAN, KEANE, VENGROW & TEXTOR</p> <p>By: </p> <p>Patrick Michael DeCharles II, Esq. (PMD 9984) Attorneys for Defendant H.J.M. International Inc. 61 Broadway, Room 3000 New York, NY 10006-2802 Tel (212) 344-7042</p>	

SO ORDERED:


Hon. Sidney H. Stein
USDJ
Dated: 10/2/07